

**NOTICE OF MOTION AND MOTION TO STOP
ACCRUAL OF CHILD SUPPORT INTEREST
INSTRUCTIONS AND FORMS**

**STEP 1
FILL OUT THE “NOTICE OF MOTION AND MOTION TO STOP ACCRUAL OF
CHILD SUPPORT INTEREST” FORM**

This form asks the court to stop the accrual of interest on your child support arrears. It also tells the parties of the date, time, and location of the hearing.

STEP 1a: The information to fill in the boxes and blanks at the top of the form can be found at the top of your current child support order or your divorce or paternity decree, including:

- The county where your case is located (which may be different from the county where you live).
- The number of the judicial district.
- The court file number.
- The name of the Petitioner/Plaintiff.
- The name of the Respondent/Defendant.

If you are the Petitioner/Plaintiff in the current order or decree you will be the Petitioner/Plaintiff in this motion. If you are the Respondent/Defendant in the current order or decree you will be the Respondent/Defendant in this motion.

STEP 1b: Fill in the name and last known address of the other party and the county attorney’s office. **DO NOT** fill in the date, time, and location of the hearing yet. You will fill in this information as part of Step 3 below.

STEP 1c: Fill in the date when you are requesting that child support interest stop accruing.

STEP 1d: Fill in the name and phone number of the person to contact to settle this matter.

**STEP 2
FILL OUT THE “AFFIDAVIT IN SUPPORT OF MOTION TO STOP ACCRUAL OF
CHILD SUPPORT INTEREST” FORM**

STEP 2a: Fill in the top of the form the same way you did on your “Notice of Motion and Motion to Stop Accrual of Interest” form in Step 1a above.

STEP 2b: Check all the appropriate boxes that apply to your situation.

STEP 2c: Attach the following to the “Affidavit in Support of Motion” form, if they apply:

- Proof of 12 months of consecutive child support payments.

- Proof of your incarceration, dates of incarceration and/or anticipated release date.
- Proof of unemployment/disability (lay-off notice, doctor's statement, etc.).
- Verification of receipt and amount of social security, Title II Older American's Survivor's Disability Insurance (OASDI), other disability or public assistance income.

NOTE! **Blacken out (cross out) completely all social security numbers, tax identification numbers, and/or financial account numbers that appear on your documents.**

STEP 2d: **ONLY DATE AND SIGN YOUR "AFFIDAVIT IN SUPPORT OF MOTION" WHEN YOU ARE IN FRONT OF A NOTARY PUBLIC OR THE COURT CLERK. MAKE SURE TO BRING PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR CLERK.**
A Notary Public can usually be found at a bank and sometimes at the courthouse.

<p style="text-align: center;">STEP 3 OBTAIN A HEARING DATE, TIME, AND LOCATION FROM THE COUNTY COURT ADMINISTRATOR</p>
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STEP 3a: Contact the Court Administrator's Office in the county where your case is located. Tell the Court Administrator that you will be filing a motion to stop accrual of interest in the Expedited Child Support Process and need a date, time, room number, and address for a hearing. The hearing date must be at least 17 days away from the date the documents are mailed to the other party and the county attorney's office. Count the day after it is mailed as Day 1.

STEP 3b: Using the information you received from the Court Administrator, fill in the date, time, and location of the hearing on the "Notice of Motion and Motion to Stop Accrual of Interest" form.

<p style="text-align: center;">STEP 4 MAKE COPIES OF THE FORMS</p>
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After the forms are completely filled out, make three copies of the motion form and three copies of your "Affidavit in Support of Motion" form and three copies of all attachments (for example, proof of disability and/or disability benefits being received, proof of complete and timely payments for 12 consecutive months, or proof of incarceration). Keep one copy of each form and one copy of all attachments for yourself (be sure to bring your copies with you to court on the day of your hearing).

STEP 5
HAVE COPIES OF THE DOCUMENTS SERVED ON THE
OTHER PARTY AND COUNTY AGENCY

NOTE! YOU CANNOT SERVE THE DOCUMENTS YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE DOCUMENTS FOR YOU.

You must arrange for the other party and the county attorney's office to receive complete copies of all documents you have prepared for the hearing. This is called "service of process." A copy of the motion, affidavit, and any attachments must be served upon all parties, either personally or by mail. Personal service means the documents are hand delivered to the other party personally or leaving the documents at the other party's place of residence with some person who is 18 years or older who also lives at the same residence. If the other party is represented by an attorney, the documents must be served on the attorney instead of the party.

If using personal service, the documents must be hand delivered upon the other party (or his/her attorney if there is one) and the county attorney's office at least 14 days before the hearing date. If using mail service, the documents must be mailed to the other party (or his/her attorney if there is one) and to the county attorney's office at least 17 days before the hearing date. **If your documents are not timely served, your motion may not be heard by the court.**

STEP 6
COMPLETE THE "AFFIDAVIT OF SERVICE" FORM

The person who hand delivers or mails the documents must fill out an "Affidavit of Service" form for each party served. You will need to make additional copies of the blank "Affidavit of Service" form.

NOTE! THE PERSON WHO HAND DELIVERS OR MAILES THE DOCUMENTS MUST SIGN THE "AFFIDAVIT OF SERVICE" IN FRONT OF A NOTARY PUBLIC OR THE COURT ADMINISTRATOR. MAKE SURE THE PERSON BRINGS PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR CLERK.

STEP 7
FILE THE FORMS WITH THE COURT ADMINISTRATOR
AND PAY ANY REQUIRED COURT FEE

The following original documents must be filed with the court in the county where your case is located at least 5 days prior to the scheduled hearing.

- The original of the “Notice of Motion and Motion to Stop Accrual of Child Support Interest”.
- The original of the “Affidavit in Support of Motion to Stop Accrual of Child Support Interest”.
- The “Affidavit of Service”.

You must attach copies of any supporting documents to your “Affidavit in Support of Motion to Stop Accrual of Child Support Interest”. Be certain to blacken out all social security numbers that appear on any document you are attaching.

Court Fees

You must be prepared to pay any court fee, if applicable, at the time of filing. If you cannot afford to pay the filing fee, you may qualify to have the fee waived by the court. You will need to fill out an In Forma Pauperis application (available from the Court Administrator) and file it with the Court Administrator. Your application will be reviewed by a child support magistrate or judge who will decide whether you must pay the fee. If the magistrate or judge does not sign an order that waives the fee, you must be prepared to pay the fee or the clerk cannot accept your forms.

<p>STEP 8</p> <p>APPEAR AT THE HEARING</p>
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Come to court on the date and time scheduled for the hearing. Be sure to bring with you your copy of the “Notice of Motion and Motion to Stop Accrual of Child Support Interest” and “Affidavit in Support of Motion to Stop Accrual of Child Support Interest” and all of your supporting papers.